

**REMARKS/ARGUMENTS**

Claims 19 and 20 are hereby cancelled without prejudice or disclaimer and, thus, claims 1 through 18 remain in this application.

In viewing the specification, Applicants discovered a typographical error at page 31. Approval of the above change to the specification is respectfully requested.

Claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the above Office Action states claim 1 recites the limitation "the device" in the second element of the claims with no antecedent basis. The objectionable language, as well as the rest of the language added by the previous response, is hereby removed from claim 1. The 35 U.S.C. §112, second paragraph, rejection is now considered to be moot, and withdrawal of the rejection of claim 1 is respectfully requested.

Claims 1 through 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Domnitz (U.S. Patent No. 6,912,398).

Independent claims 1, 6, 10 and 15 are hereby amended to revert back to their original form as originally filed on February 23, 2004. In particular, claim 1 as amended provides, *inter alia*, selecting a particular channel among a plurality of channels associated with a dynamic container of the device based on the current time of the device, and claim 10 as amended provides, *inter alia*, a processor, coupled to the timing circuit, configured to select a particular channel, among a plurality of channels, associated with a dynamic container of the device based on the current time of the device. Similarly, claim 6 as amended provides, *inter alia*, selecting a particular channel among a plurality of channels associated with a dynamic container of the device based on the current location of the device, and claim 15 as amended provides, *inter alia*, a processor, coupled to the location circuit, configured to select a particular channel, among a plurality of channels, associated with a dynamic container of the device based on the current location of the device.

In contrast, Domnitz does not describe or suggest selecting a particular channel among a plurality of channels as required by claims 1, 6, 10 and 15. First, col. 4, lines 51 and 52, of

Domnitz describes that the system selects "information" related to location or time. Domnitz does not describe selecting a channel associated with a container of the device. Second, col. 4, lines 47 through 54, of Domnitz describes that an individual presence is determined based on identity and location and/or time. Domnitz does not describe selecting a channel based on time or location. Third, col. 4, lines 52 through 54, of Domnitz describes pushing information down through the "available" information channels, and col. 7, lines 2 and 3, of Domnitz describe transmitting information via "predetermined" information channels. Thus, Domnitz merely describes the user of "available" or "predetermined" channels, whereas claims 1, 6, 10 and 15 require selecting a particular channel among a plurality of channels associated with a dynamic container. Therefore, claims 1, 6, 10 and 15 distinguish from Domnitz.

Claims 2 through 5, 7 through 9, 11 through 14, and 16 through 18 depend from and include all limitations of independent claims 1, 6, 10 and 15, respectively. Therefore, claims 2 through 5, 7 through 9, 11 through 14, and 16 through 18 distinguish from Domnitz for the reasons stated above for claims 1, 6, 10 and 15.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1 through 18 are respectfully requested.

### **CONCLUSION**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any

questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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